



MURPHY FALCON KUYKENDALL RAVENELL MURPHY

May 5, 2010

**BY HAND AND ECF FILING**

Christopher Ott, Esq.  
United States Attorney's Office  
Eastern District of New York  
610 Federal Plaza  
Central Islip, NY 11722-4454

Re: U.S. v. David H. Brooks, Cr. No. 06-CR-550 (S-1) (JS)

Dear Mr. Ott:

Pursuant to Fed. R. Crim. P. 26.2 and the Court's directive, defendant David H. Brooks hereby provides reciprocal discovery material for potential witnesses to be presented at trial. The list of witnesses provided below includes the four expert witnesses as designated in Doc. 988.

Please be advised that Mr. Brooks currently intends to call the following witnesses:

1. Kenneth McGraw
2. Gary Karlitz
3. Gil Wolin
4. Professor Christopher M. James
5. Joe Serra
6. David Rubenstein
7. Adrian Cumming
8. Philip Asherian
9. Gilat Gat
10. Bob Pragg
11. Lisa Sagal
12. Cindy Giaquinto
13. Michael Dreiling
14. Tom Pierce
15. David Metz
16. Abdul Wahab
17. Manny Gold
18. Steve Young
19. Paul D'Onofrio
20. Paula Renick
21. Anthony Valenti

May 5, 2010

Page 2 of 3

22. Charles Hale
23. Albert Earle
24. Michele Pasea
25. Skip Church
26. Steve Tschiderer
27. Bob Knuts
28. Jerry Krantz
29. Cary Chasin
30. Gary Nadelman
31. Marc Dien
32. Ishman Burkes
33. Michael Buckstein
34. Chris Porter
35. Caroline Pang
36. John Ines
37. Jerry Pace
38. Sam White
39. Michelle Ramsamooj
40. Preston King
41. Teddy Tawil
42. Bill Harvey
43. Mary Kreidell
44. Wilma Rutherford
45. Dennis Nielsen
46. John Detori
47. Patricia Cummings
48. John Desmond
49. Marcus Treiber
50. Manny Rubio
51. Dieter Wachter
52. David H. Brooks
53. Greg Parker
54. Michael Guzman
55. James Broner
56. Ron Pierce
57. Les Albert
58. Rodney Rad
59. Greg Hercog
60. Jonathan Frey
61. Myron Kaplan
62. Dean Flanagan
63. Josh Marks
64. Paul Reid
65. Steven Gish
66. Craig Smith

May 5, 2010

Page 3 of 3

- 67. Elliot Madenly
- 68. Steven Emerson
- 69. Glen Hartung
- 70. Charles Rinaldi
- 71. Michael Aliberto
- 72. Joseph Shulson
- 73. Amy Norflus
- 74. Bill Naskowitz
- 75. Michael Hanks
- 76. Marylou Segismundo

Please also note that 3500 material<sup>1</sup> for both Messrs. Karlitz<sup>2</sup> and McGraw<sup>3</sup> as well as 3500 material in the form of interview notes<sup>4</sup> for those witnesses for whom we have prior statements,<sup>5</sup> are attached. We will also be providing 3500 material for Messrs. Wolin and James tomorrow morning.

Finally, please be advised that Mr. Brooks reserves the right to amend his witness list to address any issues that may arise during the coming weeks. If we deem that additional witnesses are necessary, we will advise the government and produce any additional discovery in a timely manner.

Respectfully submitted,

/s/

Kenneth W. Ravenell

---

<sup>1</sup> Please be advised that the summary charts (GX 1485-1510 – subsequently renumbered to 3500-KM-05616 – 005801) contained on the disc of documents related to the anticipated testimony of the experts will no longer be relied upon by Mr. McGraw. Mr. McGraw will instead rely upon the revised summary charts (GX 1495A-1510A) disclosed by the government on Friday, April 30, 2010. However, because these exhibits were not received in time to be included in this disclosure, they will be provided in a subsequent disclosure.

<sup>2</sup> Documents 3500-GK-000001 – 000600 and 3500-GK-001156 – 001166 relate to Mr. Karlitz's anticipated expert testimony. Previously admitted exhibits that Mr. Karlitz relied upon are 3500-GK-00601 – 001155.

<sup>3</sup> Documents 3500-KM-000001 – 000908 relate to Mr. McGraw's anticipated expert testimony. Previously admitted or marked SEC filings and SEC filings of peer companies that Mr. McGraw relied upon include 3500-KM-000909 and 3500-KM-000910 – 005463. Previously admitted or marked exhibits that Mr. McGraw relied upon are 3500-KM-005464 – 005850. Document 3500-KM-005851 – 005854 are interview notes with Mr. McGraw.

<sup>4</sup> Please note that three lines from the Metz and Pierce interview notes have been redacted because they indicate the investigative plans regarding future interviews of witnesses.

<sup>5</sup> These witnesses include Lisa Sagal, Tom Pierce, David Metz, Paul D'Onofrio, Paula Renick, Dennis Nielsen, and Mary Kreidell. With respect to Mary Kreidell, we have provided an audio recording of the interview.